

REMARKS

Applicants respectfully request reconsideration and allowance of the above-identified patent application. The Office Action mailed March 9, 2006 considered claims 1, 2, 4-12, and 14-40. By this amendment, claims 1, 8, 14, 22, 28, and 29 have been amended and claims 35-39 have been cancelled such that claims 1, 2, 4-12, and 14-34, and 40 remain pending in the application of which claims 1, 8, 14, 22, 28, and 29 are the only independent claims.

Initially, Applicants note with appreciation the Examiner's indication that claims 35-39 would be allowable if rewritten in independent form. Accordingly, the independent claims have been amended to include the limitations recited in these allowable dependent claims.

The Office action rejects the remaining claims for this application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 12 of U.S. Patent No. 6,282,712. In light of the terminal disclaimer filed herewith, Applicants respectfully submit that the Examiner's obviousness-type double patenting rejection has been overcome, and request that the rejection be withdrawn.

The only remaining issue in the case is the Office action's rejection of claims 1, 2, 4-12, 14-34, and 40 under 35 U.S.C. 102(e) as allegedly being anticipated by art of record *Collins, III et al.*, U.S. Patent, 6,286,041 (hereinafter *Collins*). Applicants respectfully traverse this ground of rejection.

As noted above, the independent claims have been amended to include the subject matter of claims 35-39.¹ Since the Office action indicated that claims 35-39 would be allowable if rewritten in independent form, Applicants respectfully submit that the amended independent claims are now allowable over the cited *Collins* reference. Accordingly, Applicants respectfully request withdrawal of the rejection of the remaining claims as allegedly being anticipated by *Collins*.

Based on at least the foregoing reasons, Applicants respectfully submit that the cited art fails to anticipate or make obvious Applicants' invention, as claimed, for example, in

¹ Applicants respectfully note that although the prior art status and the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge, at any appropriate time in the future (e.g., in a subsequent amendment or during prosecution of a related application), the prior art status and assertions made with regard to the cited art—as well as any official notice or other allegations made in any communications from the Office with regards to this application. Accordingly, Applicants' decision to amend the claims and to not respond to the assertions and rejection of record should not be construed as acquiescing to such assertions or rejections. Instead, the claim amendments made by this paper are merely for expediting the issuance of the allowable subject matter.

independent claims 1, 8, 14, 22, 28, and 29. Applicants note for the record that the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. Accordingly, Applicants do not acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions in the future, including any official notice taken by the Examiner, if necessary or desired.

All objections and rejections having been addressed, Applicants respectfully submit that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any question arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at +1.801.533.9800.

Dated this 9th day of June, 2006.

Respectfully submitted,



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